

# SENTENCING COMMISSION

## MINUTES

<b>Committee:</b>	<b>SENTENCING COMMISSION</b>
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<b>Date:</b>	Wednesday, Dec. 4, 2002	<b>Time:</b>	12:00 PM	<b>Place:</b>	Matheson Courthouse Conference Rm B & C
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<b>Members Present</b>	Rep. Cindy Beshear, Paul Boyden, Blake Chard, Judge Terry Christiansen, Calvin Clegg, K.S. Cornaby, Mary S. Corporon, Marlene Gonzalez, Ed McConkie, G. Fred Metos, Chris Mitchell, Brian Namba, Judge Gregory K. Orme, Judge Sterling Sainsbury, Michael Sibbett, Sy Snarr, Rep. Mike Thompson, Mike Wims for Kirk Torgenson, Russ Van Vleet, Judge Robert S. Yeates
<b>Members Excused</b>	Dr. Judy Engen, John Hill, Judge David Mower, Chief Ed Rhoades, Sen. Terry R. Spencer, Sen. Alicia Suazo,
<b>Staff</b>	Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse

<b>Visitors</b>	Crieghton Horton, Fraser Nelson, Jim Olson
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<b>Agenda Item:</b>	<b>Welcome and Approval of Minutes</b>
Notes:	Kay Cornaby called the meeting to order and welcomed everyone. Kay introduced new member Cal Clegg who replaces Joel Millard. Brian Namba <b>motioned</b> to accept the September minutes. Paul Boyden <b>seconded</b> and the motion <b>passed unanimously</b> .

<b>Agenda Item:</b>	<b>Legislation – Ron Gordon</b>
Notes:	<p><b>Dangerous Weapon Penalties Amendment -</b></p> <p>The intent of the bill was to clarify the application of the enhancement. This new statute clarifies the minimum and maximum sentences. This bill takes the dangerous weapons enhancement out of the felony sentencing provision and put its in a stand-alone section. <b>Motion</b> to approve made by Rep. Cindy Beshear and <b>seconded</b> by Judge Christianson. It <b>passed unanimously</b>.</p> <p><b>Sentencing of Those Found Guilty and Mentally Ill –</b></p> <p>This bill lists jail as a sentencing option for those found guilty and mentally ill. This amendment is necessary because a misdemeanor found guilty and mentally ill cannot be sentenced to prison. Additionally, it appears to be an oversight that jails are not listed as a previous section anticipates all sentencing options for defendants found guilty and mentally ill. There was concern regarding the ability of jails to provide adequate of mental health services. However, that concern exists now and will be addressed by a bill specifying the responsibilities of providing such services. Ed McConkie <b>motioned</b> that the sentencing committee endorse the concept and defer to the sentencing commission executive committee to craft the language. The concept includes the county jails providing meaningful service to these individuals. Fred Metos <b>seconded</b> and it <b>passed unanimously</b>.</p> <p><b>Sexual Abuse of a Child</b></p>

	<p>The purpose of this bill is to define the word “child” so that this statute is similar to other sexual offenses involving children. <b>Motion</b> to accept given by Rep. Thompson, <b>seconded</b> by Paul Boyden, and <b>passed unanimously</b>.</p> <p><b>Theft detection shielding devices prohibited – Penalty</b></p> <p>The purpose of the original legislation was to create a penalty enhancement for persons who remove/tamper with a theft detection device and target “professional” thieves. A problem is that removing a theft detection device is a class A misdemeanor while actually stealing the merchandise is only a class B misdemeanor if the merchandise is valued at less than \$300. Paul Boyden suggested lowering the penalty to a class B misdemeanor if the merchandise is worth less than \$300, but also stating that this charge is separate from a theft charge so that a defendant who steals the item can be charge with both crimes. Judge Yeates <b>motioned</b> to accept Paul’s suggestion subject to the executive committee receiving a report from Jim Olsen after he presents this proposal to the Retail Merchants Association. Mike Sibbett <b>seconded</b> and it <b>passed unanimously</b>.</p>
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<b>Agenda Item:</b>	<b>Guidelines Revision Subcommittee Report – Ron Gordon</b>
Notes:	<p><b>Drug Crimes</b> – The committee considered whether the guidelines are accurate for drug offenses. The committee has considered several possibilities for a drug offense matrix and it may be time to develop another matrix or develop a special matrix for drug offenses that would categorize crimes into manufacturing, distribution, possession, or prescription crimes.</p> <p>The Commission asked that the subcommittee delve further into this and put this item on the agenda for the annual meeting to be held on April 2, 2003.</p>

**The next meeting is scheduled for Wednesday, January 29, 2003 at noon, Matheson Courthouse, Conference Room A**

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ